

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.
OCT 22 2014
BY *Aes*
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

CHRIS SUHAIL FOLAD
KHALED NABIL ABDEL FATTAH

)
) NO. 3:14-00168
)

) 18 U.S.C. 371
) 18 U.S.C. 1030(a)(4)
) 18 U.S.C. 1343

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

From in or about January 2009 and continuing through in or about March 2010, in the Middle District of Tennessee, and elsewhere, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** did combine, conspire, confederate and agree with each other to commit one or more offenses against the United States, that is, wire fraud, a violation of Title 18, United States Code, Section 1343; and computer access fraud, a violation of Title 18, United States Code, Section 1030(a)(4).

Overt Acts

As part of the conspiracy and to effect the objects thereof, the above conspirators committed and aided and abetted the commission of the following overt acts, among others, in the Middle District of Tennessee:

1. On multiple occasions between in or about January 2009 and in or about March 2010, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** accessed one or more Automatic Teller Machines (ATMs) and a computer system utilized thereby that were used in interstate commerce, doing so without authorization and with intent to defraud, and during such unauthorized access altered, manipulated and reprogrammed such ATMs and computer systems so that such ATMs would incorrectly reflect, record and report that United States currency and bills of a one (\$1) dollar denomination were being dispensed by such ATMs, when in fact United States currency and bills of a twenty (\$20) dollar denomination were being dispensed by such ATMs.

2. On multiple occasions between in or about January 2009 and in or about March 2010, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** engaged in multiple transactions with and using the above described altered ATMs, making cash withdrawals therefrom by means of various debit and account access cards that were issued to **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH**, and which pertained to financial accounts controlled by **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH**.

3. Between in or about January 2009 and in or about March 2010, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** engaged in the transactions described above, knowing and intending that the altered ATMs would falsely record, incorrectly report and transmit lesser debit amounts attributable to the accounts held by **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** with respect to such transactions and cash withdrawals, that is, account debits that were one-twentieth ($1/20^{\text{th}}$) of the actual funds that **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** obtained thereby, such false data being transmitted in and such transactions affecting interstate commerce.

4. Between in or about January 2009 and in or about March 2010, and immediately following the fraudulent transactions described above, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** returned such ATMs and computer systems to their original correct settings with regard to the recording and reporting of currency denominations being dispensed by such ATMs.

5. Between in or about January 2009 and in or about March 2010, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** utilized the above means of unauthorized computer access to fraudulently obtain money and United States Currency, that is, more than \$400,000.

In violation of Title 8, United States Code, Sections 371 and 2.

COUNTS TWO THROUGH TWENTY

THE GRAND JURY FURTHER CHARGES:

On or about each date set forth below, in the Middle District of Tennessee and elsewhere, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH**, knowingly and with intent to defraud, the object of such fraud being the acquisition of something of value, that is, money, cash and United States currency, did access a protected computer, that is, a computer which was then used in or affected interstate commerce, without authorization and exceeding authorized access, and did by means of such conduct further the intended fraud and obtain money, cash and United States currency as described below, each of the following counts representing a separate such access of a computer and violation of law:

COUNT	DATE	CASH OBTAINED
TWO	October 22, 2009	Approximately \$3800
THREE	October 22, 2009	Approximately \$3040
FOUR	October 23, 2009	Approximately \$1520
FIVE	October 23, 2009	Approximately \$3040
SIX	October 23, 2009	Approximately \$3040
SEVEN	October 23, 2009	Approximately \$3040
EIGHT	November 25, 2009	Approximately \$3040
NINE	November 25, 2009	Approximately \$2280
TEN	November 25, 2009	Approximately \$1520
ELEVEN	December 10, 2009	Approximately \$2280
TWELVE	December 10, 2009	Approximately \$3040
THIRTEEN	December 10, 2009	Approximately \$4560
FOURTEEN	January 27, 2010	Approximately \$6840
FIFTEEN	January 27, 2010	Approximately \$1520
SIXTEEN	January 27, 2010	Approximately \$5320
SEVENTEEN	February 10, 2010	Approximately \$6080
EIGHTEEN	February 10, 2010	Approximately \$6080
NINETEEN	March 4, 2010	Approximately \$760
TWENTY	March 4, 2010	Approximately \$6840

Each of the above counts in violation of Title 18, United States Code, Sections 1030(a)(4) and 2.

COUNTS TWENTY-ONE THROUGH THIRTY

THE GRAND JURY FURTHER CHARGES:

1. Between in or about January 2009 and in or about March 2010, in the Middle District of Tennessee and elsewhere, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** devised and intended to devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses and representations, such scheme being described above in Counts One through Twenty of this Indictment, the allegations and descriptions of which are incorporated herein by reference as if restated in their entirety.

2. On or about each date set forth below, in the Middle District of Tennessee and elsewhere, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** did, for the purpose of executing such scheme and artifice, transmit and cause the transmission of writings, signs and signals by means of wire communication in interstate commerce, that is, **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** conducted and engaged in transactions with and withdrew funds from ATMs that caused the transmission of data related thereto from the Middle District of Tennessee and to locations outside the State of Tennessee; and from locations outside the State of Tennessee to the Middle District of Tennessee, each of the following counts representing a separate such transmission and violation of law:

COUNT	DATE
TWENTY-ONE	October 22, 2009
TWENTY-TWO	October 23, 2009
TWENTY-THREE	November 4, 2009
TWENTY-FOUR	November 25, 2009
TWENTY-FOUR	December 10, 2009

TWENTY-FIVE	December 17, 2009
TWENTY-SIX	January 27, 2010
TWENTY-SEVEN	January 29, 2010
TWENTY-EIGHT	February 10, 2010
TWENTY-NINE	February 24, 2010
THIRTY	March 4, 2010

Each of the above counts in violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE ALLEGATIONS

1. The allegations contained in Counts One through Thirty of this Indictment are re-alleged and incorporated by reference as if fully set forth in support of this forfeiture.
2. Upon conviction of one or more of Counts One through Twenty, **CHRIS SUHAIL FOLAD and KHALED NABIL ABDEL FATTAH**, jointly and severally, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting or derived from proceeds traceable to each violation of Title 18, United States Code, Sections 371 (conspiracy to commit computer access fraud) or 1030 (computer access fraud), and a money judgment of at least \$400,000 United States currency, representing said property.
3. Upon conviction of on one or more of Counts One or Counts Twenty-One through Thirty, **CHRIS SUHAIL FOLAD and KHALED NABIL ABDEL FATTAH**, jointly and severally, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 981(a)(1)(C) and 28 United States Code, Section 2461, any property constituting or derived from

proceeds traceable to each violation of Title 18, United States Code, Sections 371 (conspiracy to commit wire fraud) or 1343 (wire fraud), and a money judgment of at least \$400,000 United States currency, representing said property.


3. If any of the property described above, as a result of any act or omission of **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** :

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty,

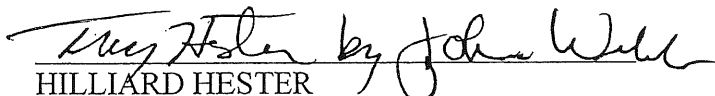
the United States shall be entitled to forfeiture of substitute property, and it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of **CHRIS SUHAIL FOLAD** and **KHALED NABIL ABDEL FATTAH** , up to the value of said property listed above as subject to forfeiture.

A TRUE BILL


FOREPERSON



DAVID RIVERA
UNITED STATES ATTORNEY



HILLIARD HESTER
ASSISTANT UNITED STATES ATTORNEY